

Amendments to the Drawings

A Replacement for Fig. 3 to confirm this drawing to subject matter disclosed in the specification as originally filed.

REMARKS

Claims 1-14 and 19-46 are pending. Claims 1 and 19 have been amended, claims 15-18 have been canceled, and new claims 15-46 have been added to recite additional features of Applicants' invention. Also, a certified copy of the priority document has been submitted with this paper to perfect Applicant's claim for priority under 35 USC § 119, and a Replacement Sheet for Fig. 3 has been submitted to include reference numerals disclosed in the application.

Reconsideration of the application is respectfully requested for the following reasons.

In the Office Action, claims 1-7, 10, 12, 13, 19, 20, 23, and 24 were rejected under 35 USC § 102(e) for being anticipated by the Kontogouris application. This rejection is respectfully traversed for the following reasons.

Claim 1 recites broadly embodiments of the invention disclosed in the specification. In particular, claim 1 has been amended to recite "selecting a first content to buy from a website accessed through the communication network," "combining the first content and the second content into a third content," and "determining a price of the third content based on the first and the second content." The Kontogouris application does not disclose these features.

The Kontogouris application discloses a method for allowing a user to receive services or content from a website. In order to receive these services or content, the user must first become a subscriber by paying a fee. The purpose of the Kontogouris method is to give the user a discount on the subscription fee based on the number of banner ads the

user reads when he visits the site. Once the subscription fee is paid, the user can access the services or content on the website. See Paragraph [0055] which provides in relevant part:¹

[T]he method and system of the invention are associated with a subscription service, which permits the user to access the service upon viewing and correctly responding to the banner advertisements in lieu of a subscription payment, or in return for credits that can be applied against the subscription.

Unlike the Kontogouris method, the claimed invention focuses on adjusting the price of the content (e.g., MP3 files) accessed through the website, not the subscription fee to the website. More specifically, claim 1 recites “selecting a first content to buy from a website.” The Kontogouris application does not disclose these features. That is, in Kontogouris, once a user pays a subscription fee, he is allowed to access all the services and content on that site. The services and content are not priced separately from the website subscription fee, and therefore Kontogouris does not disclose selecting a first content to buy from a website as recited in claim 1.

Second, Kontogouris does not disclose combining the first content and the second content into a third content. In at least one embodiment of the invention, the second content may correspond to an advertisement. The Kontogouris application discloses allowing a user to select an advertisement for viewing. However, Kontogouris does not disclose combining a selected advertisement with content (e.g., MP3 files) to be accessed

¹ The Kontogouris application discloses giving electronic coupons instead of subscription discounts (Paragraph [0056]), but none of these discounts relate to the content or services sought to be accessed through the Kontogouris website once a user qualifies as a subscriber.

from a website as recited in claim 1. Instead, Kontogouris merely credits the user's subscription fee based on how many advertisements are selected for viewing.

Third, Kontogouris does not disclose "determining a price of the third content based on the first and the second content." As discussed above, the Kontogouris method reduces a subscription fee of a website that provides content and services. Kontogouris does not determine a price of any content provided on that website, let alone third content is which based on a combined form of first and second content as recited in claim 1.

Because the Kontogouris application does not disclose all the features recited in claim 1, it is respectfully submitted that Kontogouris cannot anticipate this claim. Applicants further submit that these differences are sufficient to render claim 1 and its dependent claims non-obvious and thus patentable over the Kontogouris application.

Claim 19 recites "selecting a first content having a first price to buy from a website accessed through the communication network" and "determining a second price of the first content based on the first price of the first content and the number of second contents selected." The Kontogouris application does not disclose these features. It is therefore submitted that claim 19 and its dependent claims are allowable over the Kontogouris application.

Claim 23 recites "selecting at least one multimedia content item for purchase at a first prescribed price, from among a plurality of multimedia content items," "combining a content of the at least one selected advertisement item with a content of the at least one multimedia content item;" and "determining a final purchase price by reducing the first

prescribed price for the at least one multimedia content item by the prescribed value of the at least one advertisement item.” The Kontogouris application does not disclose these features.

Moreover, regarding the final step in claim 23, the final purchase price is determined by “reducing the first prescribed price for the at least one multimedia content item by the prescribed value of the at least one advertisement item.” (Emphasis added). For these features, see the non-limiting example disclosed in Paragraph [27] of Applicants’ specification, where the cost of selected content (\$13.99) is reduced by the cost of a selected advertisement (\$0.14) to yield a reduced cost for the selected content (\$13.85). The Kontogouris application does not disclose these features.

More specifically, Kontogouris discloses displaying banner ads in response to a user request to access content from a website. However, Kontogouris does not disclose pricing banner ads or reducing the cost of content to be accessed from the website based on a prescribed value of banner ads as required by claim 23.

Absent a disclosure of these features, it is respectfully submitted that claim 23 cannot be anticipated by the Kontogouris application. Applicants further submit that these differences are sufficient to render claim 23 and its dependent claims non-obvious and thus patentable over Kontogouris.

Claims 8, 9, and 11 were rejected under 35 USC § 103(a) for being obvious in view of a Kontogouris-Stern combination. This rejection is traversed on grounds that the Stern application does not teach or suggest steps (a), (c), and (d) of claim 1 missing from the

Kontogouris application. Absent a teaching or suggestion of these features, it is respectfully submitted that claims 8, 9, and 11 are allowable over the cited combination at least by virtue of their dependency from claim 1.

Claim 14 was rejected under 35 USC § 103(a) for being obvious in view of a Kontogouris-Miyashita combination. This rejection is traversed on grounds that the Miyashita application does not teach or suggest steps (a), (c), or (d) of claim 1 missing from the Kontogouris application. Absent a teaching or suggestion of these features, it is respectfully submitted that claim 14 is allowable over the cited combination at least by virtue of their dependency from claim 1.

New claims 25-46 have been added to the application.

Claims 25 and 26 recite that the “subscription for accessing the website is priced independently from the price of the first content.”(See, for example, Paragraph [23] for support.) These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claims 27, 29, and 31 recite that the subscription to the website is obtained by obtaining a username and password. (See, for example, Paragraph [23] for support). These features are not taught or suggested by Kontogouris taken alone or with the other references of record, e.g., Kontogouris discloses that a subscription fee is required in order to become a member whereas this is not a necessity with the claimed invention.

Claims 28, 30, and 32 recite that the subscription to the website does not require a fee. (See, for example, Paragraph [23] for support). These features are not taught or

suggested by Kontogouris taken alone or with the other references of record, e.g., Kontogouris discloses that a subscription fee is required in order to become a member whereas this is not a necessity with the claimed invention.

Claim 33 recites receiving a first signal selecting a product offered for sale on a website and reducing a price of the product based on the selected advertisement. These features are not taught or suggested by the Kontogouris application, e.g., Kontogouris reduces the price of its subscription fee not the price of content accessed through the subscribed-to website. Moreover, in Kontogouris, the content is provided free as long as the subscription fee is paid.

Claim 34 recites that a subscription for accessing the website is priced independently from the price of the product. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 35 recites causing additional advertisements to be displayed and reducing the price of the product based on a number of selected advertisements. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 36 recites causing additional advertisements to be displayed and reducing the price of the product based on repeated selection of a same advertisement selected by the user. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 37 recites that the price of the product is reduced based on a value of the selected advertisement. These features are not taught or suggested by the cited references,

whether taken alone or in combination.

Claim 38 recites causing a plurality of advertisements to be displayed in menu form in response to the first signal. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 39 recites that the price of the product is reduced based on a number of the plurality of advertisements selected by the user. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 40 recites reducing the price by a predetermined value of the selected advertisement, receiving a third signal selecting another one of the advertisements, and further reducing the price by an amount equal to less than a predetermined value of the other selected advertisement. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 41 recites that said amount recited in claim 38 corresponds to a predetermined percentage of the value of the other selected advertisement. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 42 recites receiving additional signals selecting additional ones of the advertisements, further reducing the price by respective amounts equal to less than predetermined values of the additional selected advertisements, wherein reduction rates corresponding to the additional selected advertisements increase in predetermined increments based on order of selection. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 43 recites that the advertisement is pre-assigned for display when the product is selected by the user. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 44 recites withholding the price reduction until receiving confirmation that the user actually viewed the selected advertisement. These features are not taught or suggested by the cited references, whether taken alone or in combination.

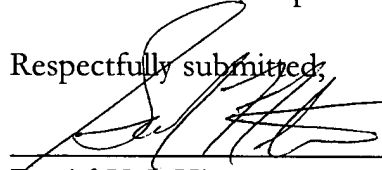
Claim 45 recites that the first signal is received after a user selects a function button displayed on an Internet website indicating that the user intentionally wants to buy the product at a discount. These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 46 recites that the signal is received when a discount button is selected by a user, the discount button being displayed in association with the product. These features are not taught or suggested by the cited references, whether taken alone or in combination.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with this application to Deposit Account No. 16-0607 and credit any excess fees to the same Deposit Account.

Respectfully submitted,



Daniel Y. J. Kim

Registration No. 36,186

Samuel W. Ntiros

Registration No. 39,318

FLESHNER & KIM, LLP
P.O. Box 221200
Chantilly, Virginia 20153-1200
Telephone No: (703) 766-3701
Facsimile No: (703) 766-3644
Date: **JANUARY 12, 2006**